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09/263,005	03/05/1999	YOICHI YAMAGISHI	1232-4518	1295

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EXAMINER

NGUYEN, HUY THANH

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 07/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/263,005

Applicant(s)

YAMAGISHI ET AL.

Examiner

HUY T NGUYEN

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 7-33 is/are pending in the application.
- 4a) Of the above claim(s) 25-33 is/are withdrawn from consideration.
- 5) ☒ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,3 ,7,14,15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Stempeck (4,571,627).

Regarding claim 1, 3,7,14,15 and 16, Stempeck discloses an image processing apparatus (Fig. 1, column 2, lines 53 t column 3, lines 20) ) for recording, and playing back and displaying a sensed still image and/or moving image on a recording medium , comprising: an image sensing device (16) , a memory device (26) , a control device (34) , an optical finder(38) , a display device having at least an electronic view finder function (20) and a review function (review mode) of playing back and displaying the sensed image immediately after an image sensing operation, an electronic view finder setting device adapted to turn on and off said electronic view finder function, and a review setting device adapted to turn on and off said review function, wherein said control device stores an image signal output from said image sensing device in said memory device (26)while said display device is disabled, enables said display device immediately after the storage in the case that said review function is turned on, and plays back and displays the image signal stored in said memory device on said display

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device regardless of whether said electronic view finder function is turned on or off (column 7, lines 20-60).

Further for claims 3, 7,14,17 and 16, Stempeck further teaches display image for a predetermined time since the user can select the display of image for a predetermined time .

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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4. Claims 1,3,7, 9,11, 13-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinoshita in view of Stevens (6,486,916) and Nakao (5,161,025)

Regarding claims 1,3,7, 9,11 and 13-18, Kinoshita discloses an image processing apparatus (Fig. 1) for recording, and playing back and displaying a sensed still image and/or moving image on a recording medium, comprising: image sensing means (4), memory means (18), control means (MD,MS,27, Fig. 7) for operating the apparatus in according to a plurality of modes including a sensing and recording mode, play back mode, an external recording mode, and display of a view finder (LCD 24), the control means stores an image signal output from the image sensing means in the memory means while the display means is disabled (in recording mode the display means is cut off from the power supply (column line 62), enables said display means immediately after the storage, and plays back and displays the image signal stored in said memory means on said display means (in reproducing mode or play back mode, the display means is activated by the power line and displays the image from the memory means (18) for viewing the recorded images (Abstract, column 11, lines 60-65, column 12, lines 5-20, Fig. 7).

Kinoshita fails to teach that the view finder having view finder setting device adapted to turn on and off the viewfinder function. However, it is noted that using a setting device to turn on and off a view finder is well known in the art as taught by Stevens, Stevens teaches a camera having a viewfinder having a setting device for turning on and off the view finder and enable of turn on when an operation applied to the camera from a user (column 7, lines 1-15). Therefore it would have been obvious to

one of ordinary skill in the art to modify Kinoshita by using a setting device as taught by Stevens for setting function of the view finder in order to save power consumption of the apparatus .

Further Kinoshita as modified with Stevens teaches displaying the images regardless whether the view finder function is in or off since Kinoshita teaches that when recording the images the view finder is off and when reproducing image for review the view finder is switching on by power supply control means and Stevens teaches that the view finder can be turned on when any components of the apparatus is operated (See Stevens column 7, lines 10-15).

Kinoshita further teaches that the view finder is an electronic view finder but fails to specifically teach using an addition optical view finder with the apparatus . However, it is noted that a camera that has both an optical view finder and electronic view finder is well known in the art as taught by Nakao (Abstract). Nakao teaches a camera that uses an optical view finder when a clear picture of an object is needed by the user or in the recording of the object. Therefore, it would have been obvious to one of ordinary skill in the art to modify Kinoshita with Nakao by using an optical view finder with the apparatus of Kinoshita as an additional view finder to provide a clear object picture to the user when capturing the object.

Further for claims 3,7,14,15 and 16, Kinoshita teaches playing back and displaying the image signal stored in said memory means on said display means for a predetermined period of time, and then disables said display means because the selection of a mode is under controlling the user instructions via the control means .

Further for claim 9, 11, 17 and 18, Kinoshita further teaches recording images from the memory on a recording medium (external recording mode).

Regarding claims 19-24, Kinoshita as modified with Stevens teaches the use of a medium for storing a program to implement a control method as recited in claims 14-18) (See Kinoshita ,Fig. 7 and Stevens column 7, lines 1-15)).

5. Claims 2,4,8,10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinoshita in view of Steven and Nakao as applied to claims 1,3,5,7, 9,11 and 13-18 above , further in view of Fellegara et al (5,845,166).

Kinoshita further teaches that display means is a LCD (column 9, lines 5-7) but fails to specifically teaches that the LCD is a LCD backlight . However, it is note that using a LCD backlight is well known in the art as taught by Fellegara et al (column 9, lines 37-41). Therefore, it would have bee obvious to one of ordinary skill in the art to modify Kinoshita with Fellegara by using a LCD having a backlight as an alternative for the LCD of Kinoshita and setting the backlight to be disable when the backlight is unnecessary in the operation of the apparatus in order to reduce the power consumption since Kinoshita teaches that power supply means can be modified to supplies part of the apparatus with separate lines and the line can be cut of from part to unnecessary part to reduce power consumption (column 12, lines 1-20).

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T NGUYEN whose telephone number is (703) 305-4775. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on (703) 308-9644. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to 2600 TH CENTR customer service office whose telephone number is (703) 306-0377.



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H.N

June 29, 2003

  
HUY NGUYEN  
PRIMARY EXAMINER